

REMARKS

Reconsideration of the present application is respectfully requested. Claim 30 has been amended. Claims 1 – 41 are currently pending.

Rejections based on 35 U.S.C. § 103

Claims 1 – 41 stand rejected under 35 U.S.C. §103(a) as being unpatentable over an article titled “Inside Macintosh: Macintosh Toolbox Essentials” (hereinafter “Toolbox”) in view of a second article titled “StuffIt Deluxe User’s Guide” (hereinafter “StuffIt”). Claims 1 – 18, 30 – 35, and 41 stand rejected under 35 U.S.C. §103(a) as being unpatentable over MacOSXHints (hereinafter “MacOSXHints”) in view of “Mac OS X Disaster Relief: Troubleshooting Techniques to Help Fix It Yourself” (hereinafter “Landau”). Claims 19 – 23, 25 – 29, 36, 37, 39, and 40 stand rejected under 35 U.S.C. §103(a) as being unpatentable over MacOSXHints in view of Landau, further in view of Balabine, *et al.*, U.S. Patent No. 5,937,406 (hereinafter “Balabine”). Claims 24 and 38 stand rejected under 35 U.S.C. §103(a) as being unpatentable over MacOSXHints in view of Landau in view of Balabine, further in view of MacOSXHints2 (hereinafter “MacOSXHints2”).

Claims 1 - 41

Claims 1 – 41 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Toolbox in view of StuffIt. Independent claim 1 recites a shell that presents an item to the user with a “visual representation and with an indication of said plurality of user-selectable tasks defined by said metadata contained in said item.” Similar claim language is found in independent claims 30 and 41. In addition, independent claim 30 has been amended and now

contains numerous additional limitations that, as explained *infra*, are not taught by the Toolbox and StuffIt references.

The Office Action parses this claim limitation and relies on the Toolbox reference to teach “metadata” and relies on the StuffIt reference to teach the presentation of “user-selectable tasks.” *See* Office Action at 8. Such parsing notwithstanding, the claim language clearly states that the metadata must define the “plurality of user-selectable tasks.” Neither reference teaches such metadata-defined “user-selectable tasks.”

The Office Action admits that Toolbox fails to teach “defining a plurality of user-selectable tasks.” *See* Office Action at 8. Though the Office Action relies on the StuffIt reference to teach the metadata-defined “user-selectable tasks,” StuffIt is devoid of any consideration of metadata. In fact, the StuffIt reference is a “user’s guide,” and it contains only sparse technical disclosure and fails to indicate whether information is stored along with a file (*e.g.*, as metadata) or by the operating system (*e.g.*, in the registry). Put simply, StuffIt is silent regarding where its user-selectable tasks are stored, and, thus, this reference does not teach the claimed “plurality of user-selectable tasks defined by said metadata”

In sum, neither Toolbox nor StuffIt disclose either storing metadata that defines a set of user-selectable tasks or any shell operations that are performed with respect to such metadata-defined tasks. Thus, Applicants submit that independent claims 1, 30 and 41 are in condition for allowance.

In addition, amended independent claim 30 now recites “metadata [that] defines a visual representation of an item and further defines a plurality of user-selectable tasks that may be performed with respect to said item.” This metadata is accessed to “obtain said plurality of user-selectable tasks stored in said metadata.” Further, claim 30 now requires that an application

be launched and be directed to “perform the selected user-selectable task with respect to said one or more requested items.” The Toolbox and StuffIt references also fail to teach or suggest these claimed aspects, and Applicants respectfully submit that claim 30 is allowable over the prior art for these additional reasons.

Applicants also submit that dependent claims 2 - 29, which depend from claim 1, are in condition for allowance for at least the same reasons discussed above with respect to claim 1. Applicants also submit that dependent claims 31 - 40, which depend from claim 30, are in condition for allowance for at least the same reasons discussed above with respect to claim 30.

Claim 1 – 18, 30 – 35, and 41

Claims 1 – 18, 30 – 35, and 41 stand rejected under 35 U.S.C. §103(a) as being unpatentable over MacOSXHints in view of Landau. Applicants respectfully submit that neither MacOSXHints nor Landau, either alone or in combination, discloses each and every limitation recited by independent claims 1, 30 and 41. Specifically, MacOSXHints and Landau do not disclose a shell that presents an item to the user with a “visual representation and with an indication of said plurality of user-selectable tasks defined by said metadata contained in said item,” wherein “said shell is further configured to launch at least one application in response to a user input selecting one or more of said plurality of user-selectable tasks,” as required by independent claims 1, 30 and 41.

The recent Advisory Action states, “As to the applicant’s arguments with respect to Claims 1 – 41 for MacOSXHints and Landau for alleging that the prior arts are limited to presentation/view characteristics[, and that] there is no need to launch an application in response to a change in selection, the examiner respectfully submits that MacOSXHints and Landau were not used in rejecting this limitation.” However, Applicants respectfully direct the Examiner’s

attention to page 24 of the Final Office Action, which appears to indicate that MacOSXHints is relied upon to teach the *launching* aspect of claim 1. Given the conflicting statements in the Final Office Action and the Advisory Action, it is unclear whether the rejection under 35 U.S.C. §103(a) relying on MacOSXHints in view of Landau is still being advanced by the Office and, if so, which reference is being relied upon to teach the claimed *launching of an application* required by the independent claims.

To the extent that the present rejection under 35 U.S.C. §103(a) relying on MacOSXHints in view of Landau is still being advanced by the Office, Applicants reiterate that, by failing to disclose the launching of “at least one application in response to a user input selecting one or more of said plurality of user-selectable tasks,” neither MacOSXHints nor Landau teaches the claimed shell required by the independent claims. The references do not contemplate the launching of any applications in response to a user input selected one of the cited “view options” relied upon by the Office Action. *See* MacOSXHints, page 2, para. 8. Thus, Applicants submit that independent claims 1, 30 and 41 are in condition for allowance. Applicants also submit that dependent claims 2 - 18, which depend from claim 1, are in condition for allowance for at least the same reasons discussed above with respect to claim 1. Applicants also submit that dependent claims 31 - 35, which depend from claim 30, are in condition for allowance for at least the same reasons discussed above with respect to claim 30.

Dependent Claims 19 – 23, 25 – 29, 36, 37, 39 and 40

Dependent claims 19 – 23, 25 – 29, 36, 37, 39 and 40 stand rejected under 35 U.S.C. §103(a) as being unpatentable over MacOSXHints in view of Landau, further in view of Balabine. Claims 19 – 23 and 25 – 29 depend from independent claim 1. Claims 36, 37, 39 and 40 depend from independent claim 30. As discussed above, claims 1 and 30 are patentable over

MacOSXHints and Landau. Balabine also fails to disclose the invention of claims 1 and 30, individually or in combination with MacOSXHints and Landau. Claims 19 – 23, 25 – 29, 36, 37, 39 and 40 include all of the limitations of claim 1 or 30 and are also patentable over MacOSXHints, Landau and Balabine, taken individually or in combination with one another, for at least the reasons stated above.

Dependent Claims 24 and 38

Claims 24 and 38 stand rejected under 35 U.S.C. §103(a) as being unpatentable over MacOSXHints in view of Landau and Balabine, further in view of MacOSXHints2. Claim 24 depends from independent claim 1. Claim 38 depends from independent claim 30. 30. As discussed above, claims 1 and 30 are patentable over MacOSXHints and Landau. Balabine and MacOSXHints2 also fail to disclose the invention of claims 1 and 30, separately or in combination with MacOSXHints and Landau. Claims 24 and 38 include all of the limitations of claim 1 or 30 and are also patentable over MacOSXHints, Landau, Balabine and MacOSXHints2, taken separately or in combination with one another, for at least the reasons stated above.

Conclusion

For the reasons stated above, claims 1 – 41 are in condition for allowance. If any issues remain which would prevent issuance of this application, the Examiner is urged to contact the undersigned prior to issuing a subsequent action. The Commissioner is hereby authorized to charge any additional amount required, or credit any overpayment, to Deposit Account No. 19-2112.

Respectfully submitted,

/Robert H. Reckers/

Robert H. Reckers
Reg. No. 54,633

SHOOK, HARDY & BACON L.L.P.
2555 Grand Boulevard
Kansas City, Missouri 64108
Phone: 816/474-6550
Fax: 816-421-5547